



April 24, 2007

Mayor:
CHUCK DELLA SALA

Councilmembers:
LIBBY DOWNEY
JEFF HAFFERMAN
NANCY SELFRIDGE
FRANK SOLLECITO

City Manager:
FRED MEURER

The Honorable Russell D. Scott
2007 Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

OS

Subject: City of Monterey Response to the 2006 Grand Jury Final Report

Dear Judge Scott:

Please accept my apologies for our oversight in getting our response to you. The following is the City of Monterey's response to Section 7 and Section 12 of the 2006 Monterey County Civil Grand Jury Final Report. The responses were approved by our City Council at their meeting of March 20, 2007.

Section 7 – Elected Officeholders Residency Requirements

Findings:

F7.1 Review of "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms showed that two members of the Board of Supervisors, one Mayor, and two City Council members listed a business address as their residence.

RESPONSE - The respondent takes no position on this finding.

F7.2 Visual surveys of residences of all Supervisors, Mayors, and City Council members who listed their business address as their address of residence indicated that all of one appeared to be a residence in addition to being a business. The one exception was a Pacific Grove City Council member who listed a business address that could not possibly be a residence.

RESPONSE - The respondent takes no position on this finding.

Recommendations:

R 7.1 The City Attorney of each city in conjunction with the Monterey County District Attorney should review and determine the residency of its Mayor and City Council members. If any Mayor or City Council member is found not to meet the residence requirements for elected public office as required by the city's charter or general law, the Mayor or Council member should be required to vacate his or her office.

RESPONSE: The City Attorney respectfully represents that she does not have a legal responsibility to enforce state or federal election laws. (Elections Code section 18000, et seq.; Government Code section 27642 [or 27640, et seq.]) Notwithstanding this, the City of Monterey has a long-standing practice in place to check the voter registration of each candidate for Mayor and City Council member prior to issuing candidate's papers during an election. In addition, staff from the Monterey City Clerk's Office regularly hand-delivers documents to the residences of the Mayor and City Council members. All are legal residents of the City of Monterey. Therefore this recommendation is a practice that has been in place in excess of ten years, and no remedial action is required.

Section 12 – Use of Tasers by Law Enforcement Agencies

R 12.3 All Taser-using agencies should evaluate the use of the "Taser-cam."

RESPONSE: The Monterey Police Department has evaluated the use of the Taser-cam, an attachment for the Taser that digitally records events in front of the Taser prior to the weapon being discharged. There are no current plans to acquire this equipment as it is currently quite expensive, as much as the Taser weapon itself. There is also concern that it makes the weapon larger and more difficult for the officers to carry. We will revisit this concept in the future, hopefully when improvements in the technology have been made.

We hope that this information satisfactorily addresses the Grand Jury's findings and recommendations. If we can answer any questions or furnish additional information, please let us know.

Respectfully,



Chuck Della Sala
Mayor

c: City Council
City Manager
City Clerk
Police Chief